

Remarks

Applicants are filing a Petition to Revive (37 C.F.R. 1.137b) the subject application and are filing this Amendment together with the Petition to Revive.

Turning to the Office Action, the Examiner has noted (in paragraph 2) that the second page of the Information Disclosure Statement filed with the application is missing. Applicants submit that the Information Disclosure Statement filed with the application contains a typographical error and that there is only one page in the Information Disclosure Statement and that there is no second page to the Information Disclosure Statement.

Further, in the Office Action (in paragraph 3), the Examiner has noted that claims 24, 28, 30-36, 40 and 42-46 invoke 35 U. S. C. §112 6th paragraph by using “means plus function” language, but that the only “means” appears to be software (computer-readable program). Applicants submit that claims 24, 28, 30-36, 40 and 42-46 have been canceled in the present amendment, thus, Applicants respectfully request that the objections to claims 24, 28, 30-36, 40 and 42-46 be withdrawn.

Also, in the Office Action (in paragraph 4), the Examiner has objected to improper language and format of the Abstract of the disclosure initially filed. Accordingly, Applicants have amended the Abstract of the disclosure, as set forth above on pages 2 and 3 of the present Amendment. Therefore, Applicants respectfully request that the objections to the Abstract of the disclosure be withdrawn.

Additionally, in the Office Action (in paragraph 6), claims 24-46 were rejected under 35 U. S. C. §101 as being directed to non-patentable subject matter and, further, claims 1-46 were rejected (in paragraph 8) under 35 U. S. C. §102(b) as being anticipated by Strothmann (U.S. Patent 5,745,880). Accordingly, Applicants have amended claims 1-23 so as to distinctly and particularly point out the attributes of the present invention and to overcome the 35 U. S. C. §102(b) rejection of claims 1-23 as being anticipated by Strothmann (U.S. Patent 5,745,880) and to place the application in condition for allowance. Further, Applicants have canceled claims 24-46 from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Furthermore, Applicants have added new computer program product claims 47-64, in accordance with the specification and diagrams originally submitted.

In particular, Applicants have amended the claims to reflect selecting at least one assessment type from three assessment types for estimating cost and/or time requirements for migrating an application from one platform to another, where each of the three assessment types delineates a degree of accuracy for the cost and/or time estimated for migrating the application from one platform to another, with a first assessment type being greater in accuracy than a second assessment type and with the second assessment type being greater in accuracy than a third assessment type. Applicants contend that given that Strothmann

(U.S. Patent 5,745,880) does not disclose the present amended claims, that the rejection of the claims 1-46 under 35 U. S. C. §102(b) should be withdrawn and Applicants respectfully request reconsideration of the presently amended claims 1-24 and claims 47-64. Further, Applicants contend that the present claims 1-24 and 47-64 are not rendered obvious by Strothmann (U.S. Patent 5,745,880). Accordingly, Applicants believe that the present claims 1-24 and 47-64 are in condition for allowance and Applicants respectfully request allowance of the present claims 1-24 and 47-64. Reconsideration and withdrawal of the claim rejections and allowance of the present claims 1-24 and 47-64 in this case are respectfully requested. If these amendments do not result in a withdrawal of the claim rejections for claims 1-24 and a Notice of Allowance for the present claims 1-24 and 47-64, Applicants respectfully request a telephone interview to accelerate prosecution of the application.

Respectfully submitted,

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